

MEMO ENDORSED

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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
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SUITE 400
NEW YORK, NEW YORK 10281-1022

June 29, 2020

VIA ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: *SEC v. Steven Fishoff, et al.*, 18 cv 07685 (SDNY)(ALC-JLC)

Plaintiff Securities and Exchange Commission respectfully writes to notify the Court of the Supreme Court's decision in *Liu v. SEC*, 591 U.S. ___, 2020 WL 3405845 (June 22, 2020), and to seek leave to file a supplemental submission, by July 27, 2020, addressing the Commission's pending Motion for Judgment in light of *Liu*.

As background, the Commission filed its Motion for Judgment against Defendant Deshan Govender on October 31, 2019 and sought, among other things, \$222,788 in disgorgement. That motion was fully briefed as of December 16, 2019.

Last week, the Supreme Court held in *Liu* that "a disgorgement award that does not exceed a wrongdoer's net profits and is awarded for victims is equitable relief permissible" under the relevant provision of the federal securities laws. *Liu*, 2020 WL 3405845, at *2. The Commission therefore respectfully requests leave to file a submission within four weeks addressing the disgorgement the Commission seeks as to Govender in light of *Liu*.

Respectfully submitted,

/s/ Todd D. Brody
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(212) 336-0080

cc: Deshan Govender (via email)

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

7/17/20